



Nonetheless, the Court has reviewed the Report and Recommendation and the file. The Report and Recommendation is adopted and approved. Accordingly, this action in its entirety is **DISMISSED** without prejudice pursuant to Rule 41(b), and Defendant's Motion for Summary Judgment is **DENIED** as moot. The Clerk is directed to close the file. This Order shall constitute the final judgment in this case under Fed. R. Civ. P. 58.

IT IS SO ORDERED.

  
ELI RICHARDSON  
UNITED STATES DISTRICT JUDGE